IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.61 OF 2005
IN
CONTEMPT PETITION NO.392 OF 1999

Shri Avadhut Vasudev Dhanurkar. ..Applicant.

V/s.

State of Maharashtra & Ors. ..Respondents.

Mr.J.M.Puranik for applicant.

Mr.A.H.Palekar, AGP for Respondent No.1.

CORAM: A.M.KHANWILKAR,J

DATE : MAY 2, 2006.

P.C. :

1. Heard counsel for the parties. Perused the relevant documents on record as well as the affidavit filed by the parties including last affidavit filed by the Principal Secretary (Revenue), dated 29th April, 2006.

2. On the earlier occassion at the time of hearing, grievance was made by the petitioner that the respondents have assumed wrong date of notional promotion to be assigend to the petitioner as 2nd August, 1976 instead the petitioner ought to have been given consequential benefits from the date of his first promotion as Naib Tahasildar on 19th

September, 1967. In view of the controversy raised the secretary was called upon to consider the grievance and take appropriate corrective measures if required to substantially comply with the directions of the Division Bench of this court contained in its decision dated 29th September, 1998 in Writ Petition No.5068 of 1997.

3. From the affidavit now filed and the admitted facts as can be discerned from the record, it is seen that the petitioner availed of all the consequential benefits from 19th Septemebr, 1967 when he was promoted as Naib Tahasildar till the date of his reversion from that post on account of the order dated 31st August, 1975. In other words, the benefits as were available to the post of Naib Tahasildar have already been extended to the petitioner and availed by the petitioner till the date of order of reversion dated 31st August, 1975. Indeed, the order of reversion has been set aside by the Division Bench of this court with the direction to the respondents to give all consequential benefits to the petitioner with regard to the arrears of his salary on the basis of notional promotion as Tahasildar from the date he would be entitled to be promotted on that post and also full back wages for

the entire period of suspension. From the affidavit filed before this court, it is obvious that the petitioner has been treated as promoted notionally with effect from 2nd August, 1976 and is paid all the back wages for the entire period of suspension. The grievance that the petitioner should have been paid back wages as Tahasildar with effect from 30th September, 1967 cannot be countenanced; for, the petitioner was promoted as Naib Tahasildar for the first time only on 19th September, 1967 and was required to resume on that post till promoted in accordance with the law to the higher post of Tahasildar, which date has been assumed as 2nd August, 1976. If the petitioner is aggrieved by the said date determined by the repondents, it will be open to the petitioner to question the correctness thereof in appropriate proceedings.

4. Suffice it to observe that from the materials on record, it is not possible to take the view that it is a case of wilful disobedience of the order of the court. Accordingly, this application is disposed of. Notices issued to the respondents stand discharged. Respondent Nos. 2 and 4 are personally present in the court.